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54
1.25:1
1.13:1

17. (AMENDED) The game ball of claim 11 wherein when said ball is subjected to four 45 minute cycles of a rain test, said ball absorbs a maximum amount of water at the conclusion of each said rain test cycle as expressed as a ratio of the weight of the ball with absorbed water to the weight of the dry ball, said ratio at the conclusion of said first rain test cycle being a maximum of 1.25:1 and said ratio at the conclusion of each of said second, third and fourth rain test cycles being no greater than said ratio at the conclusion of said first rain test cycle.

REMARKS

This is a Response to the Decision on Appeal mailed January 27, 2003.

Reconsideration of the present application and entry of this amendment are respectfully requested. Claims 1 to 6, 8 to 12, 17 and 18 are currently pending, claim 12 has been canceled, and claims 1, 3, 11 and 17 have been amended.

The Response to the Decision on Appeal mailed January 27, 2003 addressed claims 1 to 6, 8 to 12, 17 and 18. The application was remanded to the Examiner in accordance with 37 C.F.R. §1.196(a) for consideration of whether the particular water resistance standards recited in claims 1 to 6, 8 to 10, 12, 17 and 18 are supported by the application as originally filed so as to comply with the written description requirement of the first paragraph of 35 U.S.C. §112, and claim 11 was rejected under 35 U.S.C. §102(b) as being anticipated by Walters, pursuant to the authority of the Board of Appeals under 37 C.F.R. §1.196(b) as a new ground of rejection.

In response to the new ground of rejection of claim 11, Applicants submit this amendment and remarks under 37 C.F.R. §1.196(c).

Claim 11 was rejected under 35 U.S.C. §102(b) as being anticipated by Walters. The Board of Appeals stated that unlike the remaining pending claims in the application, claim 11 does not recite any specific degree of water resistance, but instead only requires a game ball comprising a cover of a leather which has been treated so as to impart improved water resistance, the treatment comprising tanning with chemicals prior to application of the cover to the game ball. The Board of Appeals further stated that Walters' football is made with a steer hide leather cover which has been tanned using a "chrome type" tannage

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process followed with a vegetable retannage, and this tanning process will inherently impart some improvement in water resistance. The Board of Appeals concluded that the additional treatment of the leather panels with polyfluoroalkyl material as disclosed by Walters prior to constructing the football certainly imparts improved water resistance properties to the football cover, as taught by Walters, therefore the Walters football meets all of the limitations of claim 11 so as to anticipate claim 11.

Claim 11 has been amended to incorporate the limitation of claim 12, except that the ratio has been changed to a maximum of 1.20:1 instead of 1.25:1.

Since Walters does not disclose each and every element of Applicants' claim 11, as amended, Applicants respectfully submit that Walters does not anticipate Applicants' claim 11. Therefore, Applicants respectfully request that the rejection of claim 11 under 35 U.S.C. 102(b) be reconsidered and withdrawn.

Regarding claims 1 to 6, 8 to 10, 12, 17 and 18, although Applicants respectfully submit that the particular water resistance standards recited are supported by the specification, in an effort to hasten prosecution, claims 1, 3 and 17 have been amended to change the ratios. Claims 1 and 3 claim a maximum ratio of 1.20:1, as supported by the specification and the originally filed claims. Claim 17 has been amended to claim a ratio of 1.25:1, as supported by the example (comparative example 1 at the conclusion of the first 45 minute cycle of the rain test). As previously discussed, claim 11 was amended to incorporate the limitation of claim 12, except that the ratio was changed. The ratio was changed to be consistent with claims 1 and 3, and is clearly supported by the specification and original claims. Applicants respectfully submit that no new matter has been entered and that the ranges recited in the claims find support in the application.

Attached hereto is a marked-up version of the changes made to the application by this Amendment. The Examiner is invited to telephone Applicants' attorney if it is deemed that a telephone conversation will hasten prosecution of the application.

CONCLUSION

Applicants respectfully request reconsideration and allowance of each of the presently rejected claims, claims 1 to 6, 8 to 12, 17 and 18. Applicants respectfully

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request allowance of claims 1 to 6, 8 to 11, 17 and 18, the claims currently pending in the present application.

Respectfully submitted,

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VERSION WITH MARKINGS TO SHOW CHANGES MADE
IN THE CLAIMS

Claim 12 has been canceled without prejudice or disclaimer.

Claims 1, 3, 11 and 17 have been amended as follows:

1. (FIVE TIMES AMENDED) A game ball having increased resistance to moisture absorption comprising a natural leather cover disposed over a lining, the leather of said cover having increased water resistance properties distributed throughout during a tanning process, wherein when said ball is subjected to three 90 minute cycles of a rain test, said ball contains a maximum amount of water at the conclusion of said third rain test cycle as expressed as a ratio of the weight of the ball with absorbed water to the weight of the dry ball, such ratio being a maximum of [1.25:1] 1.20:1.

3. (THREE TIMES AMENDED) A game ball having increased resistance to moisture absorption comprising a natural leather cover disposed over a lining, the leather of said cover having increased water resistance properties distributed throughout during a tanning process, wherein when said ball is subjected to six 45 minute cycles of a rain test and said ball is permitted to dry at approximately 70°F for 24 hours between cycles, said ball contains an amount of water at the conclusion of each said rain test cycle as expressed as a ratio of the weight of the ball with absorbed water to the weight of the dry ball, an average per cycle ratio at the conclusion of said six rain test cycles being a maximum of [1.19:1] 1.20:1.

11. (TWICE AMENDED) A game ball having improved resistance to moisture absorption comprising a cover of natural leather having a treatment to impart improved water resistance properties throughout the entirety of the leather, said treatment comprising tanning of said leather with chemicals prior to application of said cover to said game ball, wherein when said ball is subjected to three 90 minute cycles of a rain test, said ball absorbs a maximum amount of water at the conclusion of said third rain test cycle as expressed as a ratio of the weight of the ball with absorbed water to the weight of the dry ball, such ratio being a maximum of 1.20:1.

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17. (AMENDED) The game ball of claim 11 wherein when said ball is subjected to four 45 minute cycles of a rain test, said ball absorbs a maximum amount of water at the conclusion of each said rain test cycle as expressed as a ratio of the weight of the ball with absorbed water to the weight of the dry ball, said ratio at the conclusion of said first rain test cycle being a maximum of [1.27:1] 1.25:1 and said ratio at the conclusion of each of said second, third and fourth rain test cycles being no greater than said ratio at the conclusion of said first rain test cycle.

No
Support